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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

RICHARD KIRK	)	
-VS-	)	
CENTRAL ILLINOIS LIGHT COMPANY	)	DOCKET NO.
d/b/a AmerenCILCO	)	07-0624
	)	
	)	
Complaint as to billing and/or	)	
charges.	)	

Thursday, July 17, 2008  
Springfield, Illinois

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

LARRY JONES, ALJ

APPEARANCES:

RICHARD KIRK  
117 Hampton Way  
Morton, Illinois

(Appearing pro se as Complainant  
by phone.)

SULLIVAN REPORTING CO., by  
Laurel Patkes, Reporter  
CSR #084-001340

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APPEARANCES: (CONT' D.)

MATTHEW R. TOMC  
1901 Chouteau Ave.  
P.O. Box 66149, Mail Code 1310  
St. Louis, Missouri 63103

(Appearing on behalf of  
Respondent by phone.)

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None

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1 JUDGE JONES: Okay. Thank you.

2 Are there any other appearances?

3 Let the record show there are not.

4 Mr. Kirk, go ahead and give us your

5 phone number too, would you please?

6 MR. KIRK: (309)361-4214.

7 JUDGE JONES: Is your e-mail address still the

8 same?

9 MR. KIRK: Yes.

10 JUDGE JONES: All right. Thank you.

11 Mr. Kirk, you were given an

12 opportunity to submit a statement in support of your

13 complaint along with documentation.

14 Did you submit any such statement?

15 MR. KIRK: No, I did not. I really didn't have

16 anything else to add other than my original

17 statement.

18 JUDGE JONES: And you don't intend to submit

19 any documentation either?

20 MR. KIRK: Well, I really have no documentation

21 to submit other than -- I mean, everything is on

22 Ameren's records.

1 JUDGE JONES: Well, I'm not asking you what's  
2 in Ameren's records. I'm asking you if there's  
3 anything else you wanted to submit in support of your  
4 case in this proceeding.

5 MR. KIRK: Well, sir, I really don't know what  
6 that would be. You know, this is a case of Ameren  
7 sending --

8 JUDGE JONES: All right. Let's just hold off  
9 on any arguments you may wish to make at this time.

10 MR. KIRK: All right.

11 JUDGE JONES: But we put some scheduling in  
12 place which you agreed to.

13 MR. KIRK: I did, yes, sir.

14 JUDGE JONES: That provided you an opportunity  
15 to file a statement in support of your complaint as  
16 well as documentation.

17 It also provided you with an  
18 opportunity to request documents or additional  
19 information from Ameren for your use and a date for  
20 them to respond to your request.

21 Do you recall that?

22 MR. KIRK: Yes, and I stated earlier that I

1 have all of their documents.

2 JUDGE JONES: But do you intend to put those  
3 into the record in this case?

4 MR. KIRK: Oh.

5 JUDGE JONES: If you do not, that's up to you.

6 MR. KIRK: Okay.

7 JUDGE JONES: But a date has been provided in  
8 that schedule for you to submit any documentation  
9 that you would like to offer into the record in  
10 support of your case.

11 MR. KIRK: I guess I misunderstood that. I  
12 thought that their documents were already all entered  
13 in.

14 JUDGE JONES: Are you saying that --

15 MR. KIRK: You have to excuse me. I'm not an  
16 attorney.

17 JUDGE JONES: Just a minute. Let me finish.

18 Are you saying that any documents that  
19 you would intend to include in your case in support  
20 of your complaint are the same ones that Ameren has  
21 already filed with the Commission in this record?

22 MR. KIRK: Correct.

1 JUDGE JONES: All right. Thank you.

2 Did you need to add anything to that  
3 to clarify your statement there?

4 In other words, as I understand it,  
5 you're saying that Ameren has put some documentation  
6 on the e-docket in this case in one form or another,  
7 and you do not have anything to --

8 MR. KIRK: I'm not sure what you're --

9 JUDGE JONES: -- to file in addition to that.  
10 Is that what you're saying?

11 MR. KIRK: I don't know what e-docket is.

12 JUDGE JONES: Mr. Tomc, could you explain to  
13 Mr. Kirk what filings that Ameren has made in this  
14 case that were actually filed with the Commission?

15 MR. TOMC: Yes, Your Honor.

16 The first filing that we made was a  
17 motion to dismiss.

18 JUDGE JONES: All right. Let's stick to those  
19 that have documentation.

20 MR. TOMC: Oh, okay.

21 That would be the answer that I filed  
22 in response to the complaint, and attached to that



1 answer, well, the answer in and of itself, the main  
2 thrust of that is it disputes the contention that you  
3 do not owe the amount on this identified as disputed  
4 843.97.

5 And then secondly, we attached  
6 documents including a timeline of events that we  
7 prepared based on our records showing basically the  
8 account history and what our records reflect on that.

9 We also included an exhibit that is an  
10 activity statement, and this is a business record  
11 that basically shows all the activity on your account  
12 for a given period of time, I believe 12 to 24  
13 months. I believe this one is for the time period in  
14 which the dispute relates in terms of the billing.

15 We also included a copy of the bills  
16 that are the subject matter of the dispute as well.

17 JUDGE JONES: All right. Thank you.

18 So you're saying those are the  
19 documents that have been actually filed with the  
20 Commission and appear on the Commission's docketing  
21 system?

22 MR. TOMC: Yes, Your Honor.

1 JUDGE JONES: And those are all filed with the  
2 Commission and were also sent to Mr. Kirk?

3 MR. TOMC: Yes, Your Honor.

4 JUDGE JONES: All right.

5 Now, Mr. Tomc, have you sent -- well,  
6 let me back up a minute.

7 Mr. Kirk, is that the documents that  
8 you're referring to?

9 MR. KIRK: Yes, sir.

10 JUDGE JONES: All right. And, Mr. Kirk, then  
11 is it your statement that you do not have any  
12 additional documents to present beyond what was just  
13 discussed?

14 MR. KIRK: No, I have no documents other than  
15 CILCO's statements.

16 JUDGE JONES: All right. That would be the  
17 CILCO statements just discussed?

18 MR. KIRK: Right.

19 JUDGE JONES: Those are the ones you're  
20 referring to?

21 MR. KIRK: Right, and those statements support  
22 my position.

1 JUDGE JONES: Well, we'll get to your arguments  
2 at a later point.

3 MR. KIRK: Okay.

4 JUDGE JONES: We're just trying to figure out  
5 what information or statements you're wanting to get  
6 into the record in this case, and that's what we're  
7 trying to clarify right now.

8 MR. KIRK: Okay.

9 JUDGE JONES: Now, what arguments you may want  
10 to make or what interpretations would be made with  
11 respect to those documents we'll get to at a later  
12 point.

13 MR. KIRK: Anything that I would add has no  
14 substantiation other than CILCO's documents, okay? I  
15 mean, I don't -- again, you have to forgive me. I'm  
16 not an attorney, okay? I'm a consumer, and, um...

17 JUDGE JONES: Well, I hate to interrupt you --

18 MR. KIRK: That's fine.

19 JUDGE JONES: -- but there has to be some kind  
20 of process here somewhere.

21 MR. KIRK: Okay.

22 JUDGE JONES: We've met three times and gone

1 over those things in some detail. We just can't  
2 start from scratch at every single status hearing  
3 over the phone and kind of start over.

4 MR. KIRK: I understand.

5 JUDGE JONES: So what I'm trying to do here is  
6 figure out where we're at.

7 There have been some dates put into  
8 the record for you to obtain documentation or  
9 information from CILCO.

10 MR. KIRK: Right.

11 JUDGE JONES: And then some dates put into the  
12 record for you to make an additional statement or  
13 provide additional documentation.

14 We've been talking about that this  
15 morning, and as I understand it, all that type of  
16 information that you would be considering putting  
17 into the record you're saying is the same material  
18 that's already been submitted by CILCO to you?

19 MR. KIRK: Correct.

20 JUDGE JONES: All right. Now, let's move a  
21 step forward from there hopefully.

22 Do you wish to make a statement beyond

1       that in support of your case?

2               MR. KIRK:    Yes.

3               JUDGE JONES:  All right.  So you do wish to  
4       make another statement above and beyond what is  
5       already in your complaint and what is already in  
6       those documents.  Is that what you're telling us?

7               MR. KIRK:  Well, what I'm saying is my  
8       statement would reflect what's in the documents and  
9       what is in my complaint.

10              JUDGE JONES:  All right.  So you would like an  
11      opportunity though to offer a statement to cover  
12      those things?  Is that your preference?

13              MR. KIRK:  Yes.

14              JUDGE JONES:  All right.  How long would it  
15      take you to put together some kind of statement like  
16      that?

17              MR. KIRK:  Oh, we don't do this orally over the  
18      phone?

19              JUDGE JONES:  Well, again, we've been over this  
20      before too at these prior hearings.

21                      It is to your advantage to make use of  
22      the process here.  If you can put your case on paper,

1 and it looks like you're pretty close to that other  
2 than adding the statement, then you'll have the  
3 benefit of CILCO having to do the same thing.

4 Then they will have to make a filing  
5 consisting of their case.

6 MR. KIRK: Okay.

7 JUDGE JONES: Whatever testimony they want to  
8 put in in support of their position, whatever  
9 documents they want to offer in support of their  
10 position, then they will circulate those to you in  
11 advance of the hearing date.

12 So by getting your case into play  
13 here, that will allow us to do some scheduling that  
14 causes CILCO to have to put their case on paper and  
15 send a copy of it to you in advance so they just  
16 won't hit you up with it at the hearing.

17 MR. KIRK: Okay. I can do this today. I have  
18 time blocked out to do this. I can do this today.

19 JUDGE JONES: All right. Well, I'll give you a  
20 few days to do that, but I'm just trying to be as  
21 clear as possible how the process works.

22 MR. KIRK: I understand.

1 JUDGE JONES: And we need to get some kind of  
2 process in place here that will hold up.

3 MR. KIRK: Right.

4 JUDGE JONES: All right. So I'm going to give  
5 you five days to put that together.

6 Is that enough time for you?

7 MR. KIRK: That's fine. Where do I send it?

8 JUDGE JONES: Well, we'll get to that.

9 And you can pull it all together in  
10 that statement, whatever else you have to say,  
11 whatever use you want to make of those documents and  
12 other written materials in what you believe to be  
13 support of your position in this case. You can put  
14 that on paper, and then we'll put a date in there for  
15 CILCO to file their testimony and exhibits in the  
16 case, and they will be required to send you a copy of  
17 that, and you'll see where they're coming from on  
18 that. All right?

19 MR. KIRK: All right.

20 JUDGE JONES: All right. So the main thing  
21 when you put that statement together and submit that  
22 in five days, make sure that you -- are you going to

1       be able to submit a copy of that to Mr. Kirk? I'm  
2       sorry, to Mr. Tomc, CILCO's counsel?

3               MR. KIRK: All right.

4               JUDGE JONES: Could you do that by e-mail?

5               MR. KIRK: Yes.

6               JUDGE JONES: And also, when you do that, copy  
7       me on that e-mail too. Can you do that?

8               MR. KIRK: Yes.

9               MR. TOMC: Mr. Kirk, my e-mail address is  
10       mtomc@ameren.com.

11              MR. KIRK: tomc?

12              MR. TOMC: mtomc.

13              JUDGE JONES: Mr. Tomc, could you go ahead and  
14       e-mail your e-mail address to Mr. Kirk?

15              MR. TOMC: Yes, Your Honor.

16              JUDGE JONES: You were probably copied on  
17       anything that has been circulated anyway with respect  
18       to call-in numbers, right?

19              MR. TOMC: That's correct.

20              JUDGE JONES: So your e-mail address is going  
21       to be on there too. You were copied on or were an  
22       e-addressee on those things the last couple days that



1 relate to the call-in number today, so that should be  
2 another source of your e-mail address for Mr. Kirk,  
3 but go ahead and e-mail Mr. Kirk your e-mail address  
4 anyway sometime today just to make sure, all right?

5 MR. TOMC: I will, Your Honor.

6 MR. KIRK: And, Your Honor, where do I copy  
7 this too?

8 JUDGE JONES: All right. Circulate a copy of  
9 that to Mr. Tomc, copy me, and send that material to  
10 the Commission, the same address that you used  
11 previously.

12 You can either do the official filing  
13 with the Commission by postal mail or e-mail,  
14 whatever your preference.

15 If you prefer to just stick it in the  
16 mail and send it to the Commission mailing address,  
17 which might be simpler, you can.

18 If you're having problems making that  
19 filing with the Commission for whatever reason, just  
20 make sure you get a copy of it to Mr. Kirk, I'm  
21 sorry, Mr. Tomc, I'll get that right in a minute, and  
22 a copy to me. That's the main thing. Get it

1       circulated by that fifth day.

2               MR. KIRK:   What is your e-mail address, Your  
3       Honor?

4               JUDGE JONES:   Well, I sent you an e-mail  
5       yesterday, right?

6               MR. KIRK:   No.

7                               Did you send it to rkirk51@gmail.com?

8               JUDGE JONES:   Right, confirming the call-in  
9       number.

10              MR. KIRK:   I didn't get that e-mail. I got a  
11       letter from Diane Moskop. That's how I got this  
12       number.

13              JUDGE JONES:   All right. I will send you an  
14       e-mail address.

15              MR. KIRK:   They have my e-mail address as  
16       rkirk51@qmail.com and it's gmail.

17              JUDGE JONES:   All right. So anyway, I will  
18       send you my e-mail address today also, all right?

19              MR. KIRK:   Thank you. Thank you.

20              JUDGE JONES:   Now, do you have any questions  
21       about this next step in the process so far?

22              MR. KIRK:   No, I don't think so.

1 JUDGE JONES: All right. Now, we will put some  
2 dates in there after that for AmerenCILCO to file  
3 their testimony and documentation and provide a copy  
4 of that to you, providing a date five days out from  
5 now to provide you with an opportunity to submit that  
6 statement.

7 If you do not make a filing on that  
8 date, it would just be assumed you have chosen not to  
9 make that statement.

10 MR. KIRK: I understand.

11 JUDGE JONES: So if you want to make the  
12 statement, get it circulated by that fifth day which  
13 is next Tuesday.

14 MR. KIRK: That's fine.

15 JUDGE JONES: And if you choose not to, that's  
16 up to you, but we will assume that if you elect not  
17 to submit that statement that you have just decided  
18 not to do so.

19 MR. KIRK: I see. That's fine.

20 JUDGE JONES: And that way, whatever is  
21 scheduled next in that schedule can occur as  
22 scheduled rather than there being some uncertainty

1 about whether or not you will be making a filing.

2 But you're certainly welcome to make  
3 that filing if you choose to do so within five days  
4 of today's date which would be next Tuesday.

5 All right. Let's move ahead then to  
6 AmerenCILCO.

7 Mr. Tomc, you've heard what Mr. Kirk  
8 has had to say about what else he may be submitting.

9 Do you foresee any need for sending  
10 any discovery or informational request from you to  
11 Mr. Kirk or not?

12 MR. TOMC: Your Honor, I would request to  
13 reserve the right to send a written request for  
14 information or data request to Mr. Kirk if I have any  
15 questions about the statement that he's filed on the  
16 22nd, and I would be able to send those to Mr. Kirk  
17 by August 1st if that is acceptable to you, Your  
18 Honor.

19 JUDGE JONES: So what you're suggesting is that  
20 you be given until August 1 to e-mail Mr. Kirk a  
21 request for information from him if you have any to  
22 request, is that right? Is that right, Mr. Tomc?

1 MR. TOMC: That's correct, Your Honor.

2 JUDGE JONES: All right. Assuming for the  
3 moment that happens, Mr. Kirk, if AmerenCILCO does  
4 send you a request for some information, how long  
5 would you need to respond to that?

6 MR. KIRK: Oh, one week, seven days, seven, ten  
7 days, not long.

8 JUDGE JONES: All right. Let's see, seven days  
9 would be August 8th. We will give you until  
10 August 12th to provide a response to Ameren CILCO's  
11 request for information from you if they send any  
12 such request.

13 Is that sufficient for you?

14 MR. KIRK: That's fine.

15 JUDGE JONES: And, Mr. Tomc, you'll send that  
16 to, the August 1 request to Mr. Kirk by e-mail,  
17 correct?

18 MR. TOMC: That's correct, Your Honor.

19 JUDGE JONES: All right. Now, Mr. Kirk, any  
20 response you send on the 12th, that does not need to  
21 be filed with the Commission, and it does not need to  
22 be copied on me either. That is sort of between the

1 parties, at least at that point. You will be sending  
2 that back to Mr. Kirk. That's where you want it  
3 sent? I'm sorry. Mr. Tomc.

4 That's where you want it sent,  
5 Mr. Tomc?

6 MR. TOMC: Yes, Your Honor.

7 JUDGE JONES: All right. So if AmerenCILCO  
8 sends Mr. Kirk an informational request on or before  
9 August 1, Mr. Kirk will have until August 12th to  
10 send a response back to Mr. Tomc.

11 So any questions about that so far?

12 MR. KIRK: No.

13 JUDGE JONES: All right. Thank you.

14 All right. Let's move ahead then to a  
15 date for the submission of any prepared testimony or  
16 exhibits that AmerenCILCO would be preparing.

17 How long do you propose for that,  
18 Mr. Tomc?

19 MR. TOMC: Your Honor, AmerenCILCO would be  
20 prepared to file testimony and supporting exhibits on  
21 or by Wednesday, August 20th.

22 JUDGE JONES: And you'll provide a copy of that

1 by e-mail to Mr. Kirk, correct?

2 MR. TOMC: That's correct, Your Honor.

3 JUDGE JONES: Thank you.

4 Mr. Kirk, do you have any questions  
5 about that piece of the process there?

6 MR. KIRK: No, sir.

7 JUDGE JONES: So they'll send you a copy of  
8 whatever they file in the way of testimony or  
9 documentation in support of their, what they believe  
10 to be in support of their case.

11 All right. After that, then we will  
12 kind of go either of two directions: set a status  
13 hearing by telephone to see where we're at or we can  
14 go ahead and put in the rest of the scheduling for  
15 the case which would include so-called rebuttal  
16 statement date from Mr. Kirk if he wants one as well  
17 as a hearing date.

18 Any suggestions about what you think  
19 would work better?

20 MR. TOMC: Your Honor, I would be predisposed  
21 to go ahead and set the remainder of the schedule at  
22 this point.

1 JUDGE JONES: So you're suggesting, and correct  
2 me if I'm wrong, that there would be a date built in  
3 there to give Mr. Kirk an opportunity to file a  
4 rebuttal statement if he wants to responding to the  
5 AmerenCILCO testimony. Is that what you're  
6 suggesting, Mr. Tomc?

7 MR. TOMC: Yes, Your Honor.

8 JUDGE JONES: All right. And then hold a  
9 hearing, set a hearing date after that?

10 MR. TOMC: Yes, Your Honor.

11 JUDGE JONES: Does that procedure work for you,  
12 Mr. Kirk?

13 MR. KIRK: That sounds fine to me. Yeah,  
14 that's fine.

15 JUDGE JONES: All right. So what we will do  
16 next then in that scenario is put in a date available  
17 to you in the event that you would like to submit  
18 some kind of statement in response to what CILCO has  
19 said in their testimony.

20 MR. KIRK: That's fine.

21 JUDGE JONES: You may or may not wish to do so,  
22 but we will give you the opportunity to do that.



1                   Now, they're going to send you their  
2 testimony and any additional exhibits they're putting  
3 in or want to put in on August 20th, so how long  
4 after that would you like to have to submit any  
5 rebuttal or responsive statement to them?

6           MR. KIRK: By the 29th. That would be a  
7 Friday.

8           JUDGE JONES: All right. Does that give you  
9 enough time?

10          MR. KIRK: Uh-huh.

11          JUDGE JONES: All right. Thank you.

12                   Then we'll see if we can come up with  
13 a hearing date that works for everybody after that.

14                   In order to do that and give people a  
15 chance to look at your calendars, we hereby go off  
16 the record.

17                               (Whereupon an off-the-record  
18 discussion transpired at this  
19 time.)

20          JUDGE JONES: Back on the record.

21                   There was an off-the-record discussion  
22 primarily intended to come up with a hearing date

1     that was workable for the various participants here,  
2     and I think we have one of September 17th at 10 a.m.  
3     but let me make sure.

4                     Is September 17th at 10 a.m. okay with  
5     both of you?

6             MR. KIRK:   Yes, that's fine.

7             MR. TOMC:   Yes, Your Honor.

8             JUDGE JONES: All right. Thank you.

9                     All right. I think that will pretty  
10    well do it for today then but let's double check on  
11    that.

12                    Mr. Kirk, do you have any questions  
13    about the scheduling that we put into place today or  
14    what any of those dates are for?

15             MR. KIRK:   No, sir, thank you.

16             JUDGE JONES: The next date I guess in that  
17    would be that date of five days from now, July 22nd,  
18    and we went over what that's for, so that would be  
19    the date that would apply to you, and as noted,  
20    that's July 22.

21                    As indicated previously, that's the  
22    date available to Mr. Kirk if he has an additional

1 statement to make in support of his complaint which  
2 may include comments on or references to any  
3 documentation that AmerenCILCO has filed in this  
4 case. Then he can submit that statement on July, on  
5 or before July 22nd as discussed earlier in this  
6 hearing.

7 If AmerenCILCO has informational  
8 requests or data requests to submit to Mr. Kirk, it  
9 will get those to him by August 1, and he will  
10 respond to them by August 12.

11 The date for the filing by AmerenCILCO  
12 of its testimony and exhibits is Wednesday,  
13 August 20th. A copy of that will be served  
14 electronically, that is, by e-mail, on Mr. Kirk.

15 Similarly, with respect to the July 22  
16 filing, Mr. Kirk will e-mail a copy of that to  
17 Mr. Tomc and to me.

18 Then after the August 20 date,  
19 Mr. Kirk will have an opportunity if he wants to to  
20 submit a rebuttal or response to the CILCO testimony  
21 which it will submit on August 20th, and the date  
22 available to Mr. Kirk to do that is August 29th.

1                   That may take the form of a statement.  
2           It may or may not have some documents with it.

3                   Either of the statements or both of  
4           the statements that Mr. Kirk submits it appears will  
5           most likely be in statement form or narrative form,  
6           and that's fine.

7                   If Mr. Kirk chooses to use some sort  
8           of question and answer format, you know, that's up to  
9           him. He can put it in question and answer format if  
10          he wishes, or it can be put in narrative or statement  
11          form if that's his preference.

12                   And after all that, there will be a  
13          hearing date of September 17th at 10 a.m.

14                   I think that covers the bases. Thanks  
15          to both Mr. Kirk and Mr. Tomc for your participation  
16          this morning and your cooperation in coming up with a  
17          schedule.

18                   Let me double check one last time to  
19          make sure there's no questions about how that  
20          schedule works.

21                   Are there any additional questions  
22          about how that schedule works?

1           MR. KIRK:   No, Your Honor.

2           MR. TOMC:   No, Your Honor.

3           JUDGE JONES:  All right.  Thank you both.  I  
4 think that covers it then.

5                       Also, thanks to Mr. Tomc for setting  
6 up the call-in number for today's hearing.

7                       At this time then, in keeping with the  
8 above-referenced scheduling we just did, this matter  
9 is continued to a hearing date of September 17th at  
10 the hour of 10 a.m.

11                      All right.  Thank you both.  Have a  
12 good day.

13                               (Whereupon the hearing was  
14 continued to September 17, 2008  
15 at 10:00 a.m.)

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